

REMARKS

Applicants thank the Examiner for agreeing to examine claims relating to polynucleotides encoding the extracellular portions of the polypeptide of SEQ ID NO:2 (residues 1-231 and 23-225) along with polynucleotides encoding the full length and mature polypeptides of the instant invention.

Claims 25-50, 60-98, 100-24, 126-131, 133-150, 154 and 155 have been cancelled without prejudice or disclaimer. Applicants reserve the right to pursue cancelled subject matter in subsequent continuing applications.

On page 5, lines 2-5 of Paper No. 122103 the Examiner states that the specification as filed is fully enabling for polynucleotides encoding a polypeptide of SEQ ID NO:2 and polypeptides consisting of fragments of SEQ ID NO:2 useful for raising antibodies, and for polynucleotides that specifically hybridize to a polynucleotide of SEQ ID NO:1. Accordingly, new claims 156-191 have been added to encompass polynucleotides comprising sequences encoding the full-length, mature, and extracellular portions of the polypeptide of SEQ ID NO:2. New claims 170-171 are directed to polynucleotides that hybridize to SEQ ID NO:1 or to the cDNA in ATCC Deposit Nos. 209641 or 209691. New claims 172-179 are directed to polynucleotides encoding fragments of SEQ ID NO:2 for raising antibodies specific for the polypeptide of SEQ ID NO:2. New claim 179 corresponds to previous claim 41, deemed allowable by the Examiner in Paper No. 122103. New claims 180-185 correspond to previous claims 39 and 78-82 deemed allowable by the Examiner in Paper No. 122103. New claims 186-191 depend either directly or indirectly from claim 180.

Support for new claims 156-191 can be found throughout the specification as filed. For instance, support for claims 156-169 and 186-191 can be found, for example, at page 32, line 8 through page 33, line 23, at page 33, lines 26-35, at page 34, lines 31-36, and at page 3, lines 18-21; support for new claims 170 and 171 can be found, for example, at page 4, lines 23-30; support for claims 172-178 can be found, for example, at line 30 of page 17 through line 4 on page 18 and at page 25, lines 12-15; support for claim 179 can be found, for example, on page 17, lines 7-16; and support for claims 180-184 can be found, for example at page 7, lines 28-34 and at page 8, lines 5-9.

Upon entry of these amendments, claims 156-191 will be pending. No new matter has been added.

I. Rejections under 35 U.S.C. §112, second paragraph

Previous claims 25-36, 60-75, 77, 99-131 are rejected under 35 U.S.C. §112, second paragraph for allegedly being indefinite. *See* page 4 of Paper No. 122103. Applicants respectfully disagree and maintain that previous claims 25-36, 60-75, 77, 99-131 were worded as to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Nonetheless, solely in the interest of facilitating prosecution, the above listed claims have been cancelled without prejudice or disclaimer. As such, Applicants request that this rejection under U.S.C. §112, second paragraph be reconsidered and withdrawn.

II. Rejections under 35 U.S.C. §112, first paragraph- enablement

Claims 25-36, 42-50, 60, 75, 77, 99-131, 140-150, 154 and 155 are rejected as allegedly lacking enablement in the specification. *See* the last paragraph on page 4 through line 10 on page 5 of Paper No. 122103. Applicants respectfully disagree and submit that the above listed claims were fully enabled by the specification as filed. However, claims 25-36, 42-50, 60, 75, 77, 99-131, 140-150, 154 and 155 have been cancelled without prejudice or disclaimer, rendering their rejection moot.

On page 5, lines 2-5 of Paper No. 122103 the Examiner states that the specification is

“...enabling for a polynucleotide encoding a polypeptide of SEQ ID NO:2 and for polypeptides consisting of fragments of SEQ ID NO:2 useful for the production of antibodies specific to SEQ ID NO:2, and for polynucleotides that specifically hybridize to a polynucleotide of SEQ ID NO:1...”

Accordingly, new claims 156-169 have been added to encompass polynucleotides comprising sequences encoding the full-length, mature, and extracellular portions of the polypeptide of SEQ ID NO:2. New claims 170-171 are directed to polynucleotides that hybridize to SEQ ID NO:1 or to the cDNA in ATCC Deposit Nos. 209641 or 209691. New claims 172-179 are directed to polynucleotides encoding fragments of SEQ ID NO:2 for raising antibodies specific for the polypeptide of SEQ ID NO:2. New claim 179 corresponds to previous claim 41, deemed allowable by the Examiner in Paper No. 122103. New claims 180-185 correspond to previous claims 39 and 78-82 deemed allowable by the Examiner in Paper No. 122103. New claims 186-191 depend either directly or indirectly from claim 180.

Applicants submit that each of new claims 156-191 is fully enabled by the specification as filed. In light of these amendments, Applicants respectfully request that this rejection be reconsidered and withdrawn.

III. Rejections under 35 USC §112, first paragraph- written description

Claims 25-36, 42-50, 60, 75, 77, 99-131, 140-150, 154 and 155 are rejected under 35 U.S.C. §112, first paragraph for allegedly lacking written description in the specification. Applicants respectfully disagree with this rejection and maintain that the rejected claims were fully described in the specification as originally filed. Nonetheless, the rejected claims have been cancelled without prejudice or disclaimer, rendering their rejection moot. As such, Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe that this application is now in condition for allowance.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Date: April 13, 2004


Kenley K. Hoover (Reg. No. 40,302)

Human Genome Sciences, Inc.
14200 Shady Grove Road
Rockville, MD 20850
Telephone: (301) 610-5771
Facsimile: (301) 309-8439

KKH/KM/lcc